

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-1062

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United States of America,

Appellee,

v.

Tory Collins,

Appellant.

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Appeal from the United States  
District Court for the  
District of Minnesota

[UNPUBLISHED]

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Submitted: February 18, 2000

Filed: March 1, 2000

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Before McMILLIAN, HANSEN, and MORRIS SHEPPARD ARNOLD,  
Circuit Judges.

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PER CURIAM.

Tory Collins appeals from the final judgment entered in the District Court<sup>1</sup> for the District of Minnesota sentencing him following his guilty plea to a felon-in-possession charge under 18 U.S.C. § 922(g)(1). For reversal, appellant argues the district court erred in denying his motions for downward departure under U.S.S.G. §§ 5K2.16, p.s., 4A1.3, p.s., and 5K2.0, p.s. Upon careful review of the record, we

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<sup>1</sup>The Honorable Michael J. Davis, United States District Judge for the District of Minnesota.

conclude that the district court was aware of its authority to depart under the provisions, but, in its discretion, determined that the circumstances did not warrant departure. Thus, the decision is unreviewable. See United States v. Correa, 167 F.3d 414, 417 (8th Cir. 1999) (district court's denial of downward departure unreviewable where court considered arguments put forth by defense, found no extraordinary circumstances warranting departure, and did not indicate it lacked authority to depart). Accordingly, we dismiss the appeal.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.